REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration is respectfully requested in view of the preceding amendments and the following remarks.

Drawings

In this response the specification has been amended to clarify that the use of the numeral 23 in connection with the disclosed keyboard was an inadvertent error. The correction of "23" to "33" on page 10 of the as filed specification, is such as to overcome the objection to the drawings and one of the objections to the specification wherein the use of the same numeral (23) to designate both arm rests and keyboard, has been advanced. Support for this change is clearly provided by the use of "33" to identify the keyboard in both the drawings and the remainder of the written disclosure.

Specification

The objection to the specification as lacking antecedent basis for the language used in claim 7, specifically, the objection that there was insufficient antecedent basis for the "event of a positive determination in claim 7" is overcome by the amendments made to the paragraph at page 14, lines 1-7. Support for this amendment is found in at least originally filed claim 7.

Claim amendments

In this response, independent claims 1, 10 and 25 along with dependent claims 2, 7, 8, 11, 14, 22 and 28, have been amended to clarify the subject matter for which protection is sought. Support for these amendments is found in the originally filed specification. For example, in connection with claim 1, support for the direct upload of the at least one data file from one of a portable memory unit which is configured to be detachably connectable with at least a portable computer, is found at least the paragraphs spanning pages 5 and 6 and pages 15 and 16 respectively of the originally filed specification. Clearly the disclosed floppy disk, CD-ROM and ZIP disks, are all a "portable member" which can be detachably connected to a portable computer. The check-in computer is disclosed at page 4, lines 8-14, and page 8, lines 18-28, for example. This provides full and ample support for the claiming of the check-in computer which is provided at passenger check-in to which the at least one data file can be uploaded during passenger check-in.

Claim 25 has been amended to call for the on-board computer system to be arranged to upload and store at least one data file from a portable storage medium by means of the first port. It is submitted that the portable storage medium could be a drive/RAM in a portable computer or alternatively a disc or the like type of device, such as a solid state memory device which can be plugged into a USB port and thus comprise a device which can be separated from the computer and be read by a suitable reader/port or the like. Inasmuch as the claim is open ended, the interposition of a check-in computer between the point at which the data is uploaded and the on-board computer, is also included within this recitation. This claim also calls for the identification information contained in the at least one data file to be such that it must be supplied to the on-board computer system to permit access to the at least one data file stored in the on-board computer.

Claim 10, on the other hand, has been amended to recite transferring the at least one data file from a portable storage medium to the on-board computer system either at passenger check-in or after having boarded the vehicle. Again the portable storage medium is not limited to floppy discs, separable drives and covers drives/rams included in a portable computer. The on-board or check-in uploading is supported at least by the sections of the speciation discussed in connection with claim 1.

Rejections under 35 USC § 103

1) The rejection of claims 1-6, 8-15, 17-33 and 35 under 35 USC § 103(a) as being unpatentable over Rogerson in view of Huang et al. is respectfully traversed.

In this response, the claims have been amended in a manner which clarifies over the applied art. Neither Rogerson nor Huang et al. are such as to disclose an arrangement such as set forth in claim 1, which now requires the uploading at least one data file into the on-board computer system directly from one of a portable memory unit which is configured to be detachably connectable with at least a portable computer, and a check-in computer provided at passenger check-in to which the at least one data file has been uploaded during passenger check-in.

Indeed, it is submitted that there in no hint whatsoever of this type of arrangement in either of the references. Accordingly, these claims as they have been amended are patentable over the art of record. This of course renders all of the claims which depend therefrom also

allowable for at least their dependency.

On page 6, last line to page 7, line 2, in connection with claim 2, it is stated that the Examiner is interpreting the network interface device as a check in system since it takes information from other device and transfers it onto the network. This position is not well founded in that the rejection is made under § 103 wherein it is the hypothetical person of ordinary skill, not the Examiner, who gets to make that interpretation. Further, the meaning of check-in computer has been made clear in the specification and thus the extremely broad interpretation that is used in this rejection is not proper for at least either of these two reasons. If the rejection were to be made under § 102 then the situation may be a little different, but in this instance, it must be the hypothetical person of ordinary skill that, in accordance with the § 103 statute, decides what is disclosed and what is not and what each reference when taken as a whole should be taken to suggest.

This or similar improper interpretation appears in other part of the Office Action. These are improper in those instances also.

Claim 10 has been amended to all for transferring the at least one data file from a portable storage medium to the on-board computer system either at a passenger check-in or after having boarded the vehicle, and further providing identification information to the on-board computer system so as to indicate at least one on-board computer workstation by which the at least one data file may be accessed.

The art fails to suggest these features.

Claim 25 has been amended to read:

> A computer network on-board a passenger vehicle or craft, the computer network comprising: a first data port; an on-board computer system connected to the first port; and a plurality of on-board workstations connected to said on-board computer system, said on-board computer system being arranged to upload and store at least one data file from a portable storage medium by means of the first port, and to enable access to the at least one data file on said on-board computer system by means of at least one on-board computer workstation, said on-board computer system being arranged to enable access in accordance with identification information contained in the at least one data file and which must be supplied to said on-board computer system to permit access to the at least one data file stored in said on-board computer. (Emphasis added)

As will be appreciated, nothing in either of Rogerson or Huang et al. would suggest that the identification information contained in the at least one data file must be supplied to the on-board computer system in order to permit access to the at least one data file stored in the on-board computer. Indeed, there is nothing to suggest that the on-board computer network be arranged to upload and store at least one data file from a portable storage medium - it being noted that the regurgitation of the claim language in the rejection does not amount to identifying disclosure which can be found in either reference.

In fact, it is submitted that the rejection is replete with erroneous statements which have resulted from the boiler plating sections of the claims *verbatim* into the rejection. For example, in connection with claim 6, the rejection clearly states that Huang et al. discloses "a method according to claim 3, wherein the identification inputted to said on-board computer system identifies . . . " This is simply untenable. Is it the PTO's position that Huang et al. actually discloses "a method according to claim 3"? Indeed, even if the rejection were to be edited to remove the reference to the claim dependency, still Huang et al. discloses nothing pertaining to vessels, vehicles and therefore cannot disclose anything of the nature that is apparently purported in this rejection.

In this particular reference, there is reference to Huang et al. disclosing the use of a password. This is then apparently assumed, for the sake of rejection, to be a password associated with the data file that has been stored in an on-board computer system. However, this unsupported assumption is incorrect, because the password must, in accordance with the disclosure of Huang et al., be the password associated with either the user's office or home PC. That is to say, any document that appears in the virtual desktop in Huang et al., is actually stored in one of the home or office PC's that are accessed, and this therefore not suggestive of a document stored in an on-board computer of a vehicle such as an aircraft, as would seem to be tenor of this rejection.

It is respectfully submitted that the all of the rejections set forth in this office action should be rewritten to clearly and unambiguously state the PTO's position with respect to the art and how the art is purported to render the claimed subject matter obvious. The written record must be clarified before a tenable PTO position can be established. Viz.:

> 37 CFR 1.2 Business to be transacted in writing.
>
> All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be **based exclusively on the written record** in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt. (Emphasis added)

At this time the highly obtuse wording of the rejections (viz., the written record) leaves no question that a revision must be made so that exact metes and bounds of the rejections can be determined by the Applicant. The burden is not on the Applicant to decipher what the rejections are intended to say - the burden to clearly express the rejections falls on the Examiner.

2) The rejection of claims 7 and 16 under 35 USC § 103(a) as being unpatentable over Rogerson in view of Huang et al. and further in view of Jiang, is respectfully traversed.

Firstly, it is noted that, like the situation noted above, the rejection should be properly written so that statements such as Rogerson does not explicitly "teaches" "a method according to claim 6, . . ., do not occur. Further, statements that Huang et al. discloses "decryption password entered at at least one of the on-board computer workstations, . . ." cannot be seen as possible in that it is Rogerson that discloses on-board computer workstations not the Huang et al. reference. The manner in which the rejection has been set forth is therefore seen as being nonsensical and heavily flavored with nothing more than unadulterated use of hindsight knowledge of the claimed subject matter. The position that Huang et al. disclose on-board computer workstations, cannot be rationally accepted and the position advanced in this rejection that it does, immediately renders this and all other rejections on which an understanding of this reference is necessary, untenable.

Rogerson discloses an entertainment system. While it is possible to interface a laptop with the communications management system shown in Fig. 5A, for example, there is no intent of expanding the system to the degree that the seat in the aircraft could be in effect, a flying office. In fact, the only disclosure of a laptop is found in paragraph [0040] of this document.

Viz.:

> [0040] FIG. 2 illustrates a detailed block diagram of an exemplary content monitoring system (generally designated 200) in accordance with one embodiment of the present invention. Exemplary content monitoring system 200 is provided for use in an appliance (shown in FIG. 3; e.g., television, set-top box, computer (e.g., handheld, laptop, desktop, computer network, etc.), or the like) comprising a receiver capable of receiving broadcast content streams. Broadly, content monitoring system 200 operates to monitor a plurality of broadcast streams (e.g. channels, stations, etc.) and, in response to sensing changes in broadcast content, to identify special event content broadcast within segments at least one such monitored broadcast stream as a function of detectable content attributes and at least one subscriber profile. A related invention is set forth and disclosed in co-pending U.S. patent application Ser. No. [Docket No. 701481], filed concurrently herewith, entitled "SYSTEMS FOR SENSING SIMILARITY IN MONITORED BROADCAST CONTENT STREAMS AND METHODS OF OPERATING THE SAME," and previously incorporated by reference for all purposes as if fully set forth herein.

At first blush, it would appear that the Huang et al. arrangement could be used with above-mentioned laptop. However, even if this were, *arguendo*, the case, it would merely use the on-board computer as a means of establishing communication between the laptop and a ground station or stations. Accordingly, the introduction of the system disclosed in Huang et al. into the communications management system of Rogerson is neither disclosed nor suggested. In fact, the very essence of Huang et al. is such that the laptop would function as one of the computers illustrated in Fig, 1 of Huang et al. for example. In this situation therefore, the on-board computer would function merely function as part of the internet which is illustrated in Fig. 1 of Huang et al.

As to the teachings which can be gleaned from Jiang, while encryption and decryption may be considered for use with communications between the above-mentioned laptop and the other PCs computers that are connected with the Internet in accordance with Huang et al., still there is nothing that would suggest that data which is stored in the on-board computer would be considered for this particular encoding. Indeed, inasmuch as the Rogerson arrangement is primarily an entertainment system the need for encryption and decryption must be considered minimal and/or a possible source of delay in signals being sent and received. Thus, there would

have to be clear teachings available to induce the hypothetical person of ordinary skill to consider the use of what can be learnt from Jiang in the arrangement disclosed in Rogerson.

The rejection based on Rogerson, Huang et al. and Jiang is therefore seen as being even less tenable than that discussed *supra*.

3) The rejection of claim 34 under 35 US § 103(a) as being unpatentable over Rogerson in view of Huang et al. and further in view of Stahl et al., is traversed.

The statement that Stahl et al. discloses "a computer network according to claim 32, . . ." is for the reasons advanced above, such to render the statement of rejection so unclear and devoid of proper foundation in the Stahl et al. reference, as to render the associated rejection untenable. Again, we have the situation wherein it is essential that the rejection be rewritten/rephrased so that it makes sense and properly establishes the position that the PTO wishes to establish in the written record.

New Claims

In this response a new claim 36 has been added. This claim finds full support in the originally filed specification - see page 16, lines 6-11 for example. This claim is allowable in at least that it sets forth subject matter which is neither disclosed in or suggest by the art of record.

Conclusion

The claims as amended above are such as to clarify over what can best be determined to be the position that the PTO is taking with respect to the art which is applied. The claims as they currently stand before the PTO are deemed to be allowable for at least the reasons advanced above. Accordingly, favorable reconsideration and allowance of this application is courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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